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Adrian A. Ellis, Esq.

March 21, 2017

United States District Court
Hon. Andrew L. Carter
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007

Re: Ali v. Lawrence K. Marks, et al
Civ. Case No.: 16-cv-01994 (ALC)

Dear Judge Carter:

I am the attorney for the plaintiff and I am making an application for an adjournment of my time to file a response to the pending motion to dismiss to allow for the plaintiff to file an amended complaint in lieu of a response to the pending motion. My response is due today, March 21, 2017.

The action herein is based upon the plaintiff suffering nerve damage to his left wrist as a result of the defendant applying the handcuffs on the plaintiff's wrist too tight. The injury sustained has left the plaintiff unable to have full use of his hand. I am attaching hereto a synopsis of the plaintiff's medical condition as a result of the defendants' actions. (attached hereto as exhibit "A"). It is the plaintiff's position that the force used was retribution for the plaintiff having a verbal outburst at a court appearance in the New York County Supreme Court, Criminal Term.

I wish to amend my complaint to include an excessive use of force claim. Additionally, I want to proceed under 42 U.S.C § 1983 rather than 42 U.S.C § 1985 as it relates to the current third claim of relief which speaks to the conspiracy to cause harm against the plaintiff that the defendant's entered. If the Court grants my application, the amended complaint would be filed by March 22, 2017.

This application is untimely because in my singular focus in responding to the defendant's motion, I failed to familiarize myself with your Honor's rules. It wasn't until this

morning, in preparation for filing my response to the motion to dismiss today I reviewed the applicable rules. It is clear, per your Honor's rules, that I should be amending my complaint rather than filing opposition papers at this juncture as this may be my only opportunity to amend my complaint in light of the motion to dismiss.

I respectfully ask that the court grant this application allowing for plaintiff to file an amended complaint on March 22, 2017. I would not want my failure to prejudice the plaintiff who sustained serious injury as a result of the actions of the defendant. I have made a request for defense counsel's consent but due to the looming deadline and this late application I have opted to submit the herein application without receiving his response.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Adrian A. Ellis', written over a horizontal line.

Adrian A. Ellis

AAE:nm

Cc: Michael J. Siudzinski, A.A.G.